

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

AMEREN TRANSMISSION COMPANY OF ILLINOIS)	
)	
Petition for a Certificate of Public Convenience and)	
Necessity, pursuant to Section 8-406.1 of the Illinois)	Docket No. 12-0598
Public Utilities Act, and an Order pursuant to Section 8-)	
503 of the Public Utilities Act, to Construct, Operate and)	
Maintain a New High Voltage Electric Service Line and)	
Related Facilities in the Counties of Adams, Brown,)	
Cass, Champaign, Christian, Clark, Coles, Edgar, Fulton,)	
Macon, Montgomery, Morgan, Moultrie, Pike,)	
Sangamon, Schuyler, Scott and Shelby, Illinois.)	

**AMEREN TRANSMISSION COMPANY OF ILLINOIS' REPLY
IN SUPPORT OF ITS MOTION TO STRIKE THE
REBUTTAL TESTIMONY ON REHEARING OF JULIE MILLER *INSTANTER***

On November 27, 2013, the Administrative Law Judges struck Ms. Miller's testimony as outside the scope of rehearing. Mt. Zion fails to explain why the same testimony from Ms. Miller, now labeled rebuttal, is within the scope of rehearing. Mt. Zion does not dispute that Ms. Miller's rebuttal testimony repeats virtually verbatim her previously stricken direct testimony. Instead, Mr. Zion cites to the testimony of ATXI and MCPO witnesses on the location of the substation. There is no dispute that the location of the new Mt. Zion substation is within the scope of this rehearing proceeding. What is not, however, is the need for the substation.

Mt. Zion argues Ms. Miller's rebuttal testimony "opposes the original Substation location on Suphur Springs Road immediately outside the Village of Mt. Zion limits." (Response at ¶ 11.) Mt. Zion's entire argument is premised on how Ms. Miller's introduction section states she is not contesting the need for the substation. But simply recharacterizing the same testimony does not make it within the scope of rehearing. The intent of her testimony was—and is still—to challenge the need for the substation. Much of her testimony never even discusses the location of ATXI's proposed substation site, or compares that location to Staff's proposals.

Her testimony is not specific to concerns within the Village's limits, or immediately outside those limits. Instead, Ms. Miller argues, "development in the Village does not constitute growth in the greater Decatur area." (PDM-MZ Ex. 4.0, p. 4:34–5:10.) She discusses the population decline in Macon County and Decatur, including population shifts from Decatur to the Village. (*Id.* at 4:34–5:10; 6:5–13.) But whether residents relocate within the county, or outside it completely, has no bearing on whether the substation should be located on Sulphur Springs Road or a few miles south. Nor does the age of the workforce or whether "local businesses have left Decatur completely or downsized their Decatur operations." (*Id.* at 6:5–13.) And certainly not whatever "major changes" Ms. Miller speculates might be happening at a PPG plant. (*Id.* at 5:28–6:4.) These statements relate, impermissibly, to the need for a Mt. Zion substation and the Project.

CONCLUSION

Ms. Miller's rebuttal testimony is simply a second attempt at delivering her previously stricken direct testimony on rehearing. The ALJs excluded this testimony as outside the scope of rehearing; relabeling it rebuttal does not now make it admissible. ATXI respectfully requests that this motion be granted and that the rebuttal testimony of Ms. Miller be stricken.

Dated: December 12, 2013

Respectfully submitted,

Ameren Transmission Company of Illinois

/s/ Albert D. Sturtevant

One of their Attorneys

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CERTIFICATE OF SERVICE

I, Albert D. Sturtevant, an attorney, certify that on December 12, 2013, I caused a copy of the foregoing *Ameren Transmission Company of Illinois' Reply in Support of Its Motion to Strike the Rebuttal Testimony on Rehearing of Julie Miller Instantly* to be served by electronic mail to the individuals on the Commission's Service List for Docket 12-0598.

/s/ Albert D. Sturtevant

Attorney for Ameren Transmission Company of Illinois